

US REGISTRY
FILE Leg 5
12 MAY 1982

NSC review completed

MEMORANDUM FOR: Deputy Director for Administration

FROM:

Director of Security

SUBJECT: Protection of Classified Information

REFERENCE: Tab A to National Security Council Memorandum,
dated 29 April 1982, Titled: Draft National
Security Decision Directive

1. The effect of unauthorized disclosures of classified information upon the overall security program of the U. S. Government is increasingly severe. The Office of Security wholeheartedly endorses and urges issuance of a Presidential statement on this subject. The general thrust of the subject National Security Decision Directive appears sound.

2. The proposed directive would benefit from certain refinements which would contribute to its clarity and effectiveness. To assist with these objectives, the Office of Security offers the following suggestions:

° In paragraph 1a use of the word "prospectively" invites a delay in implementation that would effectively defeat the purpose of the requirement. In place of a term that is so vague as to be meaningless, it is recommended that a reasonable period not to exceed one year be established for implementation.

° Paragraphs 1a and b of Reference are confusing in that different requirements are imposed for access to "collateral classified information" as the term is used and understood in the Agency and Intelligence Community, i.e., "collateral" is noncompartmented information. As used in paragraph 1b, "collateral classified information" appears to mean that information derived from or ancillary to Sensitive Compartmented Information (SCI). Another possible interpretation of meaning could be intelligence information not compartmented but involving sources and methods. In any event, the intended meaning of "collateral" must be clarified; without clarification all nondisclosure agreements would have to contain a provision for prepublication review.

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° Paragraph 1c, first sentence, implies that policies to govern contacts with the media are to apply only to agency officials. This is not consistent with the balance of the paragraph or of the draft. It is suggested the phrase "agency officials" be expanded to "agency officials, officers, and employees."

° Reference does not provide for the protection afforded by limited and controlled dissemination of classified information. It is suggested that a paragraph 1d be added that would stress the "need-to-know" concept and the need for effective document control, particularly when SCI or other intelligence information is involved. This suggested addition is essential to investigation of unclassified disclosures.

° In paragraph 2a consideration of serious damage to the mission and responsibilities of a given agency is too narrow a focus. The national security is the paramount consideration in Reference and should be included in the paragraph precedent to agency concerns.

° Paragraph 4, taken literally, excludes CIA. Deletion of the word "criminal" would avoid any perception that the Agency cannot pursue espionage or counterintelligence investigations.

3. The draft, if finalized as national security policy, will have no significant impact on the Agency. We are covered on the matters of nondisclosure agreements, prepublication review, media contacts, internal investigation, established penalties for unauthorized disclosure, polygraph, and appropriate regulations. Any new Executive Order (to replace E.O. 10450) that would implement provisions of the draft necessarily will be less comprehensive than our present security requirements set forth in regulatory issuances.

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